

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESTÉE LAUDER INC.  
and CLINIQUE LABORATORIES, LLC,

Plaintiffs,

v.

PREFERRED FRAGRANCE, INC.,  
EIZRIEL POLATSEK A/K/A EZRIEL POLATSEK  
CVS, INC., CVS PHARMACY, INC., CVS  
CAREMARK CORP., FAMILY DOLLAR STORES,  
INC., AND JOHN DOES 1-10,

Defendants.

08 CV 5333 (Sprizzo)

STATE OF NEW YORK                    )  
                                              )s.s.:  
COUNTY OF NEW YORK                )

I Michael G. Kessler, being duly sworn, deposes and says:

I am not a party to this action, am over the age of eighteen years of age and maintain an office at 45 Rockefeller Plaza, New York, NY. On June 11, 2008 at approximately 2:15 PM, I served a copy of the Summons in a Civil Case-Case Number 08-Civ 5333, Individual Practices of Judge Francis dated October 10, 2007, Individual Rules and Procedures effective February 27, 2008, Electronic Case Filing Rules & Instructions dated May 28, 2008 and Complaint-Case Number 08-Civ-5333 on the defendants named Izriel Polatsek and Preferred Fragrance, Inc. by leaving a true copy of the documents with defendant Izriel Polatsek personally; deponent knew the person so served to be the person described as the defendant therein as he identified herself as Izriel Polatsek, the defendant and acknowledged he was the owner of Preferred Fragrances, Inc.

The description of the person upon whom service was made is as follows:

sex: male; skin color: white; approximate age: 34 - 46; approximate weight: 165 - 185 pounds;

approximate height: 5'8" – 5'10". Defendant wore Hasidic clothing and when he accepted the court filings responded "No problem, No problem."



Michael G. Kessler

Sworn to before me  
this 13 day of June 2008

KELLY MATTMULLER  
Notary Public - State of New York  
No. 01MA6104672  
Qualified in Suffolk County  
Commission Expires Jan. 26, ~~2008~~ 2012

